UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,885	05/04/2001	Michael Epstein	US 000140	8744

24737	7590	10/27/2005	

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EXAMINER
DINH, MINH

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/848,885	EPSTEIN ET AL.
	Examiner	Art Unit	
	Minh Dinh	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE filed 08/22/2005.

Response to Arguments

2.   Applicant's arguments filed 08/22/2005 have been fully considered but they are

not persuasive. Throughout the response, Applicant argues that Serret-Avila does not

teach verification of the dataset but assumes the data set is present. Applicant argues

that Serret-Avila just extracts a signature from each block and used the signature to

verify the content of the block from which the signature is extracted. Serret-Avila

discloses that a fragile watermark is embedded in each data block, the fragile

watermark containing the signature of the preceding block. Serret-Avila does not

assume that the data set is present.   Serret-Avila checks every block for the fragile

watermark and uses the signature from the fragile watermark to verify the content of the

preceding data block. The Serret-Avila method can also distinguish the first and final

data blocks from the rest for proper verification (col. 13, lines 1-20). When a data block

is missing, the signature of the preceding data block is also missing and, as a result, the

system cannot verify the preceding data block. According to the Serret-Avila method,

the data set can only be successfully verified if all of its data blocks must be present and

none of the data blocks has been improperly modified (figures 10-11 and corresponding

text). Serret-Avila further discloses using a strong watermark different than the fragile

watermark. The verification of the strong watermark determines whether the data set

has been improperly modified and thus, also verifies the presence of the data set

(figures 9A-9B and corresponding text).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-7, 18 and 20-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Serret-Avila (6,785,815).

Regarding claim 1, Serret-Avila discloses a system that is configured to receive

one or more select data items of a plurality of data items corresponding to a data set,

comprising: a verifier that is configured to provide a verification of a presence of the

data set (col. 11, lines 23-29; figure 15, element 1534), via: a first verification of a

presence of a select subset of the plurality of data items (figures 9A-9B and

corresponding text), and a second verification of a receipt of all of the plurality of data

items (figures 10-11 and corresponding text), and wherein the verifier provides the

verification of the presence of the data set if either the first verification or the second

verification occurs (figure 11 and corresponding text).

Regarding claim 2, Serret-Avila further discloses a renderer that is configured to receive the data items, and a gate, operably coupled to the renderer and the verifier, that is configured to selectively inhibit or allow access to an output of the renderer corresponding to the data item, based on the verification of the presence of the data set (figures 11 and 13).

Regarding claim 3, Serret-Avila further discloses that the renderer is further configured to store the one or more select data items in a secure format that inhibits a subsequent rendering of the data items, and the gate is further configured to allow the subsequent rendering of the data items from the secure format (figure 12B).

Regarding claim 4, Serret-Avila further discloses that the system is further configured to provide a recording of the one or more data items (figure 13).

Regarding claims 5-6, Serret-Avila further discloses that the verifier is configured to identify the select subset, based on a random process, and the first verification includes consideration of a likelihood of receiving or not the select subset of data items by chance occurrence (figure 9B, col. 17, lines 39-43).

Regarding claim 7, Serret-Avila further discloses that the second verification includes a likelihood of an inaccurate reception of the one or more data items (figures 5A-5B).

Regarding claim 18, Serret-Avila discloses a method of controlling a rendering of data items of a data set, comprising: receiving sections of the data set, conducting a first test for a presence of an entirety of the data set based on a receipt of randomly selected sections of the data set (col. 11, lines 23-29; figures 9A-9B), conducting a

second test for the presence of the entirety of the data set based on a receipt of a

quantity of different sections of the data set (figures 10-11; col. 17, lines 39-43), and

controlling the rendering of the data items in dependence upon a result of either the first

or second test (figure 11).

Regarding claim 20, Serret-Avila further discloses that each section further

includes a section identifier, and the section identifier is included in each section as one

or more watermarks (col. 20, lines 47-63).

Regarding claim 21, Serret-Avila further discloses a fragile watermark that is

configured such that a modification of the section causes damage to the fragile

watermark, and a robust watermark that is configured such that a removal of the robust

watermark causes damage to the associated section (col. 20, lines 47-63).

Regarding claim 22, Serret-Avila further discloses that the data items correspond

to at least one of digitally encoded audio content, and digitally encoded video content

(col. 11, lines 23-28).

Regarding claim 23, Serret-Avila further discloses conducting a test includes

verifying a random selection of the different sections of the data set (col. 20, lines 26-

39).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 8-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serret-Avila as applied to claims 1 and 18 above, and further in view of Oshima et al (6,266,299).

Regarding claims 8-9, Serret-Avila further discloses that each data item of the plurality data items includes one or more sections, thereby forming a plurality of sections comprising the data set, each section of the plurality of sections including a section identifier corresponding to the section (figure 4A; col. 20, lines 47-63) and the first verification is based on one or more responses to requests for specific sections of the plurality of sections (figures 9A-9B).

Serret-Avila does not disclose utilizing a data set identifier corresponding to the data set. Oshima discloses utilizing a data set identifier as a watermark (col. 7, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Serret-Avila system to utilize a data set identifier as a watermark, as taught by Oshima, so that the origin of illegal copies could be determined from the watermark. Accordingly, the data set identifier is included in each section.

Regarding claim 10, Serret-Avila further discloses a fragile watermark that is configured such that a modification of the section causes damage to the fragile watermark, and a robust watermark that is configured such that a removal of the robust watermark causes damage to the associated section (col. 20, lines 47-63).

Regarding claim 11, Serret-Avila further discloses that the data items correspond

to at least one of digitally encoded audio content, and digitally encoded video content

(col. 11, lines 23-28).

Regarding claims 12-15, Serret-Avila further discloses that each data item of the

plurality data items includes one or more sections, thereby forming a plurality of

sections comprising the data set, each section of the plurality of sections including a

section identifier corresponding to the section (figure 4A; col. 20, lines 47-63) and the

second verification is based on a number of different sections received, compared to a

total number of sections comprising the data set (figures 10-11; col. 17, lines 34-43).

Serret-Avila does not disclose utilizing a data set identifier corresponding to the data set

for verification. Oshima discloses utilizing a data set identifier corresponding to a data

set as a watermark for verification (col. 7, lines 1-7; col. 35, lines 40-63). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify the Serret-Avila system to utilize a data set identifier corresponding to the data

set as a watermark for verification, as taught by Oshima, to prevent reproduction of

digital signal stored on illegal disks. Accordingly, the data set identifier is included in

each section.

Regarding claim 16, Serret-Avila further discloses a fragile watermark that is

configured such that a modification of the section causes damage to the fragile

watermark, and a robust watermark that is configured such that a removal of the robust

watermark causes damage to the associated section (col. 20, lines 47-63).

Regarding claim 17, Serret-Avila does not disclose via a verification of a correspondence among identifiers of the data set in each of the received data items. Oshima discloses a verification of a correspondence among identifiers of a data set in each of the received data items (col. 7, lines 1-7; col. 35, lines 40-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Serret-Avila system such that the verifier provides a verification of a correspondence among identifiers of the data set in each of the received data items, as taught by Oshima, to prevent reproduction of digital signal stored on illegal disks.

Regarding claim 19, Serret-Avila discloses conducting a test using a section identifier that is included in each section of the data set. Serret-Avila does not disclose conducting a test to verify a data set identifier that is included in each section of the data set. Oshima discloses conducting a test to verify a data set identifier included in data items of a data set (col. 7, lines 1-7; col. 35, lines 40-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Serret-Avila system to conduct a test to verify a data set identifier of the data set, as taught by Oshima, to prevent reproduction of digital signal stored on illegal disks. Accordingly, the data set identifier is included in each section.

Conclusion

7.   All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

MD

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Examiner
Art Unit 2132

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10/24/05

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